

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: SAMUEL SUK SYN, L.AC.
License No.: 0121-000009

ORDER

In accordance with the provisions of Sections 54.1-105, 54.1-110, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on June 21, 2007, in Richmond, Virginia, to receive and act upon evidence that Samuel Suk Syn, L.Ac., may have violated certain laws and regulations governing the practice of acupuncture in the Commonwealth of Virginia. These matters are set forth in the Board's Notice of Hearing and Statement of Particulars dated April 19, 2007.

Pursuant to Sections 2.2-4024.F and 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. Ishneila G. Moore, Assistant Attorney General, was present as legal counsel for the Board. The proceedings were recorded by a certified court reporter. The case was prosecuted by James E. Schliessman, Assistant Attorney General, assisted by Leigh C. Kiczales, Adjudication Specialist. Mr. Syn did not appear at the formal administrative hearing and was not represented by legal counsel.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Board makes the following findings of fact by clear and convincing evidence:

1. Samuel Suk Syn, L.Ac., was issued license number 0121-000009 by the Board to practice acupuncture in the Commonwealth of Virginia on August 14, 1995. Said license is currently active and will expire on June 30, 2007, unless renewed or otherwise restricted.
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2. On August 5, 2004 and August 8, 2004, during his treatment of Patient A, Mr. Syn engaged in conduct of a sexual nature which was interpreted to be intended for his own sexual arousal or gratification, concurrent with and by virtue of the practitioner/patient relationship.

3. On November 16, 2004, Mr. Syn was found guilty of sexual battery (a Class I misdemeanor) in Fredericksburg General District Court, Fredericksburg, Virginia, related to his inappropriate conduct during his treatment of Patient A.

4. Mr. Syn failed to obtain written documentation that Patient A had received a diagnostic examination by a licensed doctor within six (6) months prior to her first visit with him on August 5, 2004. In addition, Mr. Syn failed to provide a written recommendation for such a diagnostic examination, as required by the Board.

5. Mr. Syn's treatment records concerning Patient A do not reflect a diagnosis and treatment, the patient's response to acupuncture, and are not legible, as required by the Board.

6. On or about April 22-24, 2002, during the course of his treatment of Patient B, Mr. Syn engaged in inappropriate conduct of a sexual nature concurrent with and by virtue of the practitioner/patient relationship, considered by Patient B to be lewd and offensive. Further, his conduct was interpreted by Patient B as being for his own sexual arousal and/or gratification.

7. Mr. Syn's treatment records regarding Patient B do not reflect a diagnosis and treatment rendered, the patient's response to acupuncture, and are not legible, as required by the Board.

8. During 2004, Mr. Syn failed to properly identify himself as a licensed acupuncturist by using "L.Ac. or Lic.Ac." when advertising his practice; rather, he referred to his practice as "Dr. Syn's Acupuncture & Herbs", "Dr. Syn's Acupuncture Clinic" and "drsynsacupuncture.com,"

which is considered to be misleading to the public.

9. On July 21, 1999, Mr. Syn entered into a Consent Order with the Board due to his failure to comply with applicable regulations and statutes for the practice of acupuncture.

CONCLUSIONS OF LAW

1. Finding of Fact #2 constitutes a violation of § 54.1-2915.A(3), (13), (16), (18) and (19) of the Code, and 18 VAC 85-110-182.A(1) of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia.

2. Finding of Fact #4 constitutes a violation of § 54.1-2915.A(13), (16) and (18) of the Code, and 18 VAC 85-110-100 of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia

4. Finding of Fact #5 constitutes a violation of § 54.1-2915.A(18) of the Code, and 18 VAC 85-110-176 and 18 VAC 85-110-177 of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia.

5. Finding of Fact #6 constitutes a violation of § 54.1-2915.A(3), (13), (16) and (19) of the Code, and 18 VAC 85-110-182.A(1) of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia.

6. Finding of Fact #7 constitutes a violation of § 54.1-2915.A(18) of the Code, and 18 VAC 85-110-176 and 18 VAC 85-110-177 of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia.

7. Finding of Fact #8 constitutes a violation of § 54.1-2915.A(15) and (18) of the Code, and 18 VAC 85-110-110 of the Regulations Governing the Practice of Licensed Acupuncturists in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the license of Samuel Suk Syn, L.Ac., be and hereby is, REVOKED.

Pursuant to Section 54.1-2920 of the Code, upon entry of this Order, Mr. Syn shall forthwith give notice, by certified mail, of the revocation of his license to practice acupuncture to all patients to whom he is currently providing services. Mr. Syn shall cooperate with other practitioners to ensure continuation of treatment in conformity with the wishes of the patient. Mr. Syn shall also notify any hospitals or other facilities where he is currently granted privileges, and any health insurance companies, health insurance administrators or health maintenance organization currently reimbursing him for any of the healing arts.

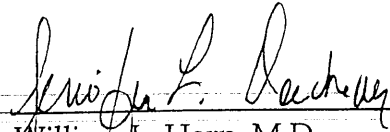
Upon entry of this Order, the license of Mr. Syn will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, the Board may consider an application for reinstatement of a license after a period of three (3) years and upon payment of the fees prescribed by the Board.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Syn has thirty (30) days from the date of service (the date he actually receives this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine, at 6603 West Broad St., Richmond, Virginia 23230. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available

for public inspection and copying upon request.

FOR THE BOARD


for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 6/29/2007